



U.S. Department of Justice

Civil Rights Division

*Special Counsel for Immigration Related
Unfair Employment Practices - NYA
950 Pennsylvania Avenue, N.W.
Washington, DC 20530*

Via Facsimile and U.S. Mail

ADDRESS

Dear [Executive Director]:

The United States Department of Justice's Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) needs your assistance in disseminating information about an important employment issue.

Many Honduran and Nicaraguan individuals presently are work-authorized in the United States under a government immigration program known as "Temporary Protected Status," or TPS for short. TPS was first granted to citizens of Honduras and Nicaragua in January 1999 because of the damage caused by Hurricane Mitch, and was set to expire January 5, 2005. The Department of Homeland Security has extended this program. The work authorization of Honduran and Nicaraguan TPS recipients has been automatically extended through July 5, 2005, and their overall TPS status has been extended until July 5, 2006.

We are concerned that some of these work-authorized individuals may encounter difficulties with their present employment or may be denied new jobs because employers may not be aware that the work permits, which bear a January 5, 2005, expiration date, have been extended automatically for six additional months. Additionally, Salvadorian TPS recipients, whose work permits have an expiration date of March 9, 2005, have also been given automatic extensions. Although the Justice Department and the Department of Homeland Security have been working diligently to make sure that employers and employees are aware of these facts, we ask your help in disseminating this information.

Below are a number of bullet points that set out the pertinent facts that employers and employees should know. We have also provided hotline numbers and web site addresses where employers and employees may contact OSC and get additional information. If at all possible, please assist us by distributing this information to your members via your website, an e-mail, and/or other form of communication at the earliest possible opportunity.

- The Secretary of Homeland Security is authorized to grant TPS to aliens in the United States who are nationals of certain countries. TPS was first granted to citizens of Honduras and Nicaragua in January 1999 because of the damage caused by Hurricane Mitch, and to citizens of El Salvador in March 2001 because of the damage caused by devastating earthquakes.

Honduras and Nicaragua

- As published in the Federal Register (69 Fed. Reg. 64084 and 69 Fed. Reg. 64088), on November 3, 2004, the Secretary of Homeland Security granted an eighteen-month extension of TPS for Honduran and Nicaraguan nationals. The 18-month extension became effective on January 5, 2005, and will expire on July 5, 2006.
- TPS Honduran and Nicaraguan nationals continue to be work eligible without a new Employment Authorization Document (EAD) through July 5, 2005. For employment eligibility verification purposes, they may present an EAD that expired on January 5, 2005, and has either: (a) "A-12" or "C-19" under the section "Category"; or (b) "274a.12(a)(12)" or "274a.12(c)(19)" under the section "Provision of Law." These TPS recipients may present such expired EADs as evidence of current work authorization through July 5, 2005.

El Salvador

- On January 7, 2005, the Secretary of Homeland Security granted an eighteen-month extension of TPS for Salvadoran nationals via the Federal Register (70 Fed. Reg. 1451). The 18-month extension becomes effective on March 9, 2005, and will expire on September 9, 2006.
- TPS Salvadoran nationals will continue to be work eligible without a new EAD through September 9, 2005. For employment eligibility verification purposes, they may present an EAD that expires on March 9, 2005, and has either: (a) "A-12" or "C-19" under the section "Category"; or (b) "274a.12(a)(12)" or "274a.12(c)(19)" under the section "Provision of Law." These TPS recipients may present such expired EADs as evidence of current work authorization through September 9, 2005.

For further TPS information, all should call the OSC hotlines (Workers: 1-800-255-7688; Employers: 1-800-255-8155); visit the TPS page of the U.S. Bureau of Citizenship and Immigration Services at http://uscis.gov/graphics/services/tps_inter.htm; or visit the OSC website at <http://www.usdoj.gov/crt/osc/index.html>.

OSC has an extensive public education and outreach program geared to both employers and workers. Over the years, OSC has worked closely with many organizations and has provided speakers and panelists for national conferences, training and/or workshops sessions, and open forum discussions. Please let us know if you are interested in having me or someone else from our office speak at an event your organization is planning. Should you have any questions, please feel free to contact my office at (202) 353-0433.

Thank you in advance for your assistance in helping us spread the word to your members about the Honduran, Nicaraguan, and Salvadorian TPS situation.

Sincerely,

William J. Sanchez
Special Counsel